

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|-----------------------------------|---|--------------|
| RHOADS INDUSTRIES, INC., et al | : | CIVIL ACTION |
| | : | |
| v. | : | NO. 15-921 |
| | : | |
| SHORELINE FOUNDATION, INC., et al | : | |

| | | |
|-------------------------------------|---|--------------|
| RHOADS INDUSTRIES, INC., et al | : | CIVIL ACTION |
| | : | |
| v. | : | NO. 17-266 |
| | : | |
| TRITON MARINE CONSTRUCTION CORP. | : | |

ORDER

AND NOW, this 10th day of March 2022, upon consideration of extensive briefing by the parties (Dkt. 17-366, Docs. 191, 192, 197, 199 and attachments); (Dkt. 15-921, Docs. 162, 172, 173, 175, 163, 176, 177, 179 and attachments), it is hereby **ORDERED** that Defendants' Motions for Summary Judgment are, as set out in the attached Memorandum Opinion, **DENIED IN PART** and **GRANTED IN PART** as follows:

1. Defendants' Motion for Summary Judgment on Plaintiff's Alleged Lack of Expert Testimony on "Loss of Use" and Dry Dock 2's "Special Purpose Property" Qualification (Dkt. 17-266, Docs. 191, 192) is **DENIED**.
2. Defendants' Motion for Summary Judgment on Plaintiff's Alleged Lack of Article III Standing for Property Damage Claims and Inability to Prove Causation (Dkt. 15-921, Doc. 162) is **DENIED**.
3. Defendants' Motion for Summary Judgment on the Applicability of Derivative

Immunity, Government Contractor, and Abnormally Dangerous Activity Defenses (Dkt. 15-921, Docs. 163) is **GRANTED IN PART** and **DENIED IN PART**. Defendants' Motion is **GRANTED** as to the requested dismissal of Plaintiff's strict liability claims against Defendants Shoreline Foundation, Inc. and Triton Marine Construction Corp., in accordance with Pennsylvania's "abnormally dangerous activity" doctrine. Defendants' Motion is **DENIED** as to all remaining claims.

BY THE COURT:

/s/ David R. Strawbridge, USMJ
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE